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EXAMINER

YUN, JURIE

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/731,212

Applicant(s)

SPIRO ET AL.

Examin r

Jurie Yun

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-12, 14, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 6/23/03 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "lamp emitting light with a beam angle which is at least 45/55 degrees" as claimed in claims 1, 2, 11, 12, and 14 must be shown or the feature(s) canceled from the claim(s). Specifically, the "beam angle" must be shown. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 11 is objected to because of the following informalities: There appears to be a typo in lines 1-2. "A high brightness lamp a concave reflector..." Appropriate correction is required.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (USPN 6,483,232 B1) in view of Cardwell, Jr. (USPN 3,746,906).

7. With respect to claim 1, Nguyen et al. disclose a high brightness lamp comprising a concave reflector (16); a light source (24) positioned within the reflector, with its major axis perpendicular to an axis of the lamp passing through the end; a lens (12) which covers an open end of the reflector, the lamp emitting light with a beam angle which is at least 45 degrees. It can be seen from the drawing (Fig. 2) that the lamp is capable of emitting light with a beam angle which is at least 45 degrees.

Nguyen et al. do not disclose an end cap connected with a neck of the reflector, the end cap having a fitting for mounting the lamp to an electric socket, whereby the lamp is supported from a ceiling. Cardwell, Jr. discloses an adapter base for electric lamps, comprising an end cap (41) connected with a neck of a reflector (11), the end cap having a fitting (42) for mounting the lamp to an electric socket. The adaptor base is suited for lamps of the type having terminal posts (column 1, lines 37+); the Nguyen et al. lamp has terminal posts (34 & 36) and thus could be fitted with the Cardwell, Jr. adaptor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Cardwell, Jr. adaptor base on the Nguyen et al. lamp to use for mounting to a socket, to make for easier connection. With respect to the location of the socket, such as a ceiling, the adaptor base, providing a threaded base for the socket, would make it easier to mount to a ceiling, simply by having to screw the lamp in, instead of having to hard wire.

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8. With respect to claim 2, Nguyen et al. do not disclose the beam angle is at least 55 degrees, but it can be seen from the drawing (Fig. 2) that the lamp is capable of emitting light with a beam angle which is at least 55 degrees.

9. With respect to claim 3, Nguyen et al. do not specifically point out the lamp has a narrow profile, the reflector having a diameter which is about twice a height of the reflector and lens combined. However, it is obvious from the drawing (Fig. 2) that the lamp has a narrow profile, the reflector having a diameter which is about twice a height of the reflector and lens combined.

10. With respect to claims 4 and 5, Nguyen et al. do not specifically point out the lamp has a narrow profile, the reflector having a ratio of diameter to length along the axis which is from about 2.5:1 to about 3.5:1, or 3:1. However, this is a design choice to calculate by experimentation the ratios of the reflector diameter to length to determine which values provide the best light conditions.

11. With respect to claims 9 and 10, Nguyen et al. disclose the light source is a double ended quartz tungsten halogen tube (column 2, lines 11-21).

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (USPN 6,483,232 B1) in view of Cardwell, Jr. (USPN 3,746,906), as applied to claim 1 above, and further in view of O'Connell et al. (USPN 6,086,227).

13. With respect to claim 6, Nguyen et al. do not disclose the lens includes a plurality of lenticules which spread the beam. O'Connell et al. disclose a lenticular lens (Fig. 5) to spread the beam. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Nguyen et al. in view of Cardwell, Jr.

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lamp and have the lens include a plurality of lenticules which spread the beam, as taught by O'Connell et al., to further achieve a wider beam spread (column 3, lines 64-67).

14. Claims 11, 12, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (USPN 6,483,232 B1) in view of Cardwell, Jr. (USPN 3,746,906), and further in view of McBride, Jr. et al. (USPN 6,034,473).

15. With respect to claims 11 and 12, Nguyen et al. in view of Cardwell, Jr. disclose all the elements, as evidenced in the claim 1 rejection given above, except that the light source is positioned between a focal point of the reflector and the lens, and reflecting the light from the reflector, the reflector having a ratio of diameter to length along an axis of symmetry of the lamp which is from about 2.5:1 to about 3.5:1. McBride, Jr. et al. disclose the light source is positioned between a focal point of the reflector and the lens (column 2, lines 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Nguyen et al. in view of Cardwell, Jr. lamp and have the light source positioned between a focal point of the reflector and the lens, as taught by McBride, Jr. et al. to provide a greater light output than is achievable by positioning the light source at the focal point of the reflector (Abstract).

With respect to reflecting the light from the reflector, the reflector having a ratio of diameter to length along an axis of symmetry of the lamp which is from about 2.5:1 to about 3.5:1, Nguyen et al. is silent. However, this is a design choice to calculate by

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experimentation the ratios of the reflector diameter to length to determine which values provide the best light conditions.

16. With respect to claim 14, Nguyen et al. do not disclose the beam angle is at least 55 degrees, but it can be seen from the drawing (Fig. 2) that the lamp is capable of emitting light with a beam angle which is at least 55 degrees.

17. With respect to claim 18, Nguyen et al. disclose the light source is a tungsten halogen lamp (column 2, lines 11-21).

18. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (USPN 6,483,232 B1) in view of Cardwell, Jr. (USPN 3,746,906) and McBride, Jr. et al. (USPN 6,034,473), as applied to claim 12 above, and further in view of O'Connell et al. (USPN 6,086,227).

19. With respect to claim 15, Nguyen et al. do not disclose the lens includes a plurality of lenticules for spreading the beam. O'Connell et al. disclose a lenticular lens (Fig. 5) for spreading the beam. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Nguyen et al. in view of Cardwell, Jr. and McBride, Jr. et al. lamp and have the lens include a plurality of lenticules for spreading the beam, as taught by O'Connell et al., to further achieve a wider beam spread (column 3, lines 64-67).

Allowable Subject Matter

20. Claims 7, 8, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art fails to disclose a high

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brightness lamp as claimed in claims 1 and 12, wherein the lamp is run at a voltage which is at least 5% greater than that for which the lamp was designed.

21. Claim 20 is allowed.

22. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to disclose a method of producing a high brightness beam of light having a wide beam angle from an overhead lamp comprising attaching the lamp by a fixture to an electrical socket in a ceiling such that the lamp extends from the fixture by a distance which is about half that of a maximum diameter of the lamp, and reflecting the light from a reflector of the lamp, the reflector having a ratio of diameter to length along an axis of symmetry of the lamp which is from about 2.5:1 to about 3.5:1.

Conclusion


23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 703 308-3535.

The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 703 308-4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.

Jurie Yun


DAVID V. BRUCE
PRIMARY EXAMINER